

R E M A R K S

The Applicants acknowledge the Examiner's comprehensive Office Action with appreciation. Claims 24-73 remain pending in the application. The Office raises rejections under 35 USC § 103(a) and 35 USC § 112 as well as a provisional double patenting rejection in view of Applicants' copending application Serial No.

10/453,574. The Office also raises several formalistic objections. The Office enquires as to the publication date of the Merck Index citation in the Specification and in the Information Disclosure Statement of May 12, 2004. This reference was published April 1, 1996. Office acknowledgement and sign off on the Form PTO-1449 of May 12, 2004 is respectfully requested.

With regard to the instant application and the telephonic Examiner Interview of July 6, 2005, during which the prior art and formal rejections as well as potential claim amendments were discussed, the Applicants follow up with an amendment which is in accord with the agreement reached with the Examiner. To this end, the applicants amend the claims accordingly and provide a new Listing of Claims, herewith. Claims 38, 63, and 65 have also been amended to correct typographical errors.

Moreover, with regard to the cancelled subject matter, the Applicants reserve the right to pursue this subject matter in a continuing application.

With regard to the provisional double patenting rejection, the applicants provide a Terminal Disclaimer which, it is submitted, overcomes this provisional rejection. The Examiner may withdraw the required fee from the below listed Deposit Account.

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Accordingly, entry of the present amendment and Terminal Disclaimer, reconsideration of all grounds of objection and rejection, withdrawal thereof, and passage of this application to issue are all hereby respectfully solicited.

It should be apparent that the undersigned attorney has made an earnest effort to place this application into condition for immediate allowance. If he can be of assistance to the Examiner in the elimination of any possibly-outstanding

insignificant impediment to an immediate allowance, the Examiner is respectfully invited to call him at his below-listed number for such purpose.

Allowance is solicited.

Respectfully submitted,
THE FIRM OF HUESCHEN AND SAGE

By: 
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Enclosure: Listing of Claims and Terminal Disclaimer

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THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FURTHER OR ADDITIONAL FEES WHICH MAY BE REQUIRED (DUE TO OMISSION, DEFICIENCY, OR OTHERWISE), OR TO CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NO. 08,3220.